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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,726	10/22/2003	Denis Roudot	0514-1128	3993

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EXAMINER

HILLERY, NATHAN

ART UNIT PAPER NUMBER

2176

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/689,726	Applicant(s) ROUDOT, DENIS	
	Examiner Nathan Hillery	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 6/15/06.
2. Claims 20 – 29 are pending in the case. Claim 20 is independent.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21, 22 and 24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The term "substantially in real time" in claim 21 is a relative term which renders the claim indefinite. The term "substantially in real time" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Consequently, making the changes substantially in real time is unclear.

6. The term "substantially in real time" in claim 21 is a relative term which renders the claim indefinite. The term "substantially in real time" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Consequently, making the updates substantially in real time is unclear.

7. The term "in real time and reciprocally" in claim 24 is a relative term which renders the claim indefinite. The term "in real time and reciprocally" is not defined by

the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Consequently, the automatic control taking place in real time and reciprocally between all the visual elements is unclear.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 20, 21 and 23 – 29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Adobe Photoshop 7.0 Book (Photoshop) [6/25/2002].

10. **Regarding independent claim 20**, Photoshop teaches that in the Save As dialog box, clicking Save saves the file in Photoshop format (p 351, last sentence), which meets the limitation of **storing in a database information relative to structure, arrangement and content of a layout of a sheet of a document to be printed, the sheet including at least one visual element, the information being stored in the database in fields that are interconnected by connections and including first fields that store a description of a content of the at least one visual element, and second fields that store a description of an arrangement and presentation of the at least one visual element and of a structure of the layout**, since the psd file or Photoshop format (**database**) contains layers (**sheets**), which are images (**visual**

elements) and the Layers palette displays layer names (**first field**) and thumbnails (**second field**).

This interpretation is further evidenced by Photoshop, which teaches that working with layers is analogous to placing portions of a drawing on sheets of acetate: Individual sheets of acetate may be edited, repositioned, and deleted without affecting the other sheets. When the sheets are stacked, the entire drawing is visible (p 131, About Layers, third block paragraph) and that the Layers palette displays all layers with the layer names and thumbnails of the images on each layer (p 131, Viewing information in the Layers palette).

Photoshop teaches how to make layers viewable (p 137, top and bottom figures), which meet the limitation of **displaying a visual representation of the layout on a first display based on the information in the database.**

Photoshop teaches that you can rearrange layers so that the door image moves in front of another image in the file that is currently hidden. In the Layers palette, drag the Door Layer up above the Doorway layer and then release the mouse button. The Door Layer moves up one level in the stacking order, and the door image appears in front of the doorway image (pp 137 & 138, Rearranging Layers), which meets the limitation of **automatically controlling the first display and the database so that all modifications of the layout made on the first display are automatically made in the database and so that all modifications of the layout made in the database are automatically displayed on the first display; and modifying the visual representation of the layout in one of the first display and the database.**

Regarding dependent claim 21, Photoshop teaches that when you select the HTML and Images option, an HTML page containing the image is saved automatically. ImageReady can be used to change one of the URL links and update the HTML file, When you finish making changes, choose File > Update HTML. In the Update HTML dialog box, select the file and click Open. Then click Replace when the Replace Files dialog box appears (p 448), which meet the limitation of **when the visual representation of the layout is modified, corresponding changes to a respective one of the display and the database are made substantially in real time.**

Regarding dependent claim 23, Photoshop teaches that in ImageReady, you can link slices together to share the same optimization settings. Then, in Photoshop, you can change the settings for a linked slice and the new settings are instantly applied to the entire set of linked slices (p 476, bottom), which meet the limitation of a step of **providing automatic control of a relationship between at least two of the visual elements of the layout, the automatic control being based on predetermined rules and taking account of graphic criteria.** It should be noted that the slices of Photoshop are equivalent to the claimed visual elements, since Photoshop teaches that slices are areas in an image that are defined based on layers or precise selections in the image. Slices can be optimized as individual Web images (p 458, About Slices).

Regarding dependent claim 24, Photoshop teaches that in ImageReady, you can link slices together to share the same optimization settings. Then, in Photoshop,

you can change the settings for a linked slice and the new settings are instantly applied to the entire set of linked slices (p 476, bottom), which meet the limitation of **the automatic control takes place in real time and reciprocally between all the visual elements of the layout.**

Regarding dependent claim 25, Photoshop teaches that an efficient way to work with some layers is to link two or more of them together. By linking layers, you can move and transform them simultaneously (p 139, Linking Layers), which meets the limitation of **a step of defining plural containers that each contains at least one of the visual elements, each of the containers of a same layout being automatically controlled between each other with respect to position and size.**

Regarding dependent claim 26, Photoshop teaches that varying the layer attributes (position, opacity, or effect parameters evenly between the new frames to create the appearance of movement (p 514, For the Web: Tweening frames, first block paragraph), which meet the limitation of **associating, in the database, parameters with the visual elements permitting automatic and/or manual selection of the visual elements.**

Photoshop teaches that Under Layers, select All Layers (p 513, Tweening the position and opacity of layers, Item 2, Bullet 4), which meet the limitation of **selecting from the database ones of the visual elements adapted to enter into the layout.**

Photoshop teaches that ImageReady creates four new transitional frames, based on the opacity and position settings of the layers in the original two frames (p 513, Tweening the position and opacity of layers, Item 2, last sentence), which meet the limitation of **selecting and/or defining a design for the layout so as to create the information for the database.**

Photoshop teaches that on the Looping pop-up menu in the lower left of the Animation palette, choose Once. In the Animation palette, click the Play button to preview your animation in ImageReady (p 513, Tweening the position and opacity of layers, Item 3), which meet the limitation of **selecting an order of implementation and locations of the selected visual elements on the layout.**

Photoshop teaches that the steps can be performed on all the layers or each selected layer (p 513, bottom left figure under Layers [All or Selected]), which meet the limitation of **repeating steps a – d for each sheet of the document.**

Regarding dependent claim 27, Photoshop teaches that you can rearrange layers so that the door image moves in front of another image in the file that is currently hidden. In the Layers palette, drag the Door Layer up above the Doorway layer and then release the mouse button. The Door Layer moves up one level in the stacking order, and the door image appears in front of the doorway image (pp 137 & 138, Rearranging Layers), which meets the limitation of **a step of defining a hierarchy between the visual elements and automatically controlling a hierarchical arrangement among the visual elements so that a modification of one of the visual elements is**

automatically reflected in a modification of the hierarchical arrangement of the other visual elements.

Regarding dependent claim 28, Photoshop teaches that as you work on an image, you may want to undo an operation or correct a mistake. The brush tools can apply layer or image level changes to a limited area of an image. The history brush tool can selectively restore areas of an image to a previous state without changing the subsequent work you've done in other areas of the image (p 226 & Figure of p 227), which meet the limitation of **a step of storing in the database identifications associated with each of the visual elements and a history of modifications of each of the visual element accessible by their identifications.**

Regarding dependent claim 29, Photoshop teaches that you can lock the transparency on a layer. This restricts your painting on the layer because all the transparent areas are protected. Select the layer you'll paint on and use the Lock Transparent Pixels option in the Layers palette (p 223, first two block paragraphs), which meet the limitation of **a step of providing filters that control access to the layout as a function of an authorization of a user.**

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe Photoshop 7.0 Book (Photoshop).

13. **Regarding dependent claim 22**, Photoshop does not explicitly teach that **the visual representation of the layout is also displayed on a second display separate from the first display, the first and second displays being connected to the database by a network, and wherein a modification of the visual representation of the layout is automatically and substantially made in real time at both the first and second displays.**

Photoshop does teach that when you select the HTML and Images option, an HTML page containing the image is saved automatically. ImageReady can be used to change one of the URL links and update the HTML file, When you finish making changes, choose File > Update HTML. In the Update HTML dialog box, select the file and click Open. Then click Replace when the Replace Files dialog box appears (p 448), which meet the limitation of **the visual representation of the layout is also displayed on a second display separate from the first display, the first and second displays being connected to the database by a network, and wherein a modification of the visual representation of the layout is automatically and substantially made in real time at both the first and second displays.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to be cognizant of the fact that a second user at a remote site could be

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viewing the HTML file (database) described by Photoshop via the Internet (over a network) and a web browser. When the user of Photoshop updates the HTML file after editing it, the second user would then be able to view the updated version as well via the web browser as taught by Photoshop (p 449, first sentence).

Response to Arguments

14. Applicant's arguments with respect to claims 20 – 29 have been considered but are moot in view of the new ground(s) of rejection.

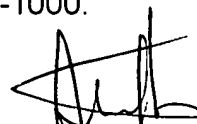
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



STEPHEN HONG
SUPERVISORY PATENT EXAMINER

NH